IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

UNILOC USA, INC. and UNILOC LUXEMBOURG S.A.,	§	
Plaintiffs,	§	CIVIL ACTION NO. 2:17-cv-353
v.	§	**JURY TRIAL DEMANDED**
ATLASSIAN CORPORATION PLC, AND ATLASSIAN, INC.,	§	
Defendant.	§	

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiffs, Uniloc USA, Inc. and Uniloc Luxembourg, S.A. (together "Uniloc"), as and for their original complaint against defendant, Atlassian Corporation PLC and Atlassian, Inc. ("Defendants"), allege as follows:

THE PARTIES

1. Uniloc USA, Inc. ("Uniloc USA") is a Texas corporation having a principal place of business at Legacy Town Center I, Suite 380, 7160 Dallas Parkway, Plano Texas 75024. Uniloc also maintains a place of business at 102 N. College, Suite 603, Tyler, Texas 75702.

2. Uniloc Luxembourg S.A. ("Uniloc Luxembourg") is a Luxembourg public limited liability company having a principal place of business at 15, Rue Edward Steichen, 4th Floor, L-2540, Luxembourg (R.C.S. Luxembourg B159161).

3. Uniloc Luxembourg owns several patents in the field of text/voice instant messaging.

4. Upon information and belief, Atlassian Corporation PLC is a corporation organized and existing under the laws of Australia, having a principle place of business at 341

George Street Sydney, NSW 2000 Australia, and is the parent company of Atlassian, Inc. and the primary operator and controller of the www.atlassian.com commerce website.

5. Upon information and belief, Atlassian, Inc. is a Delaware corporation, having a principal place of business at 1098 Harrison St., San Francisco, CA 94103, and offers its products, including those accused herein of infringement, to customers and/or potential customers located in Texas and in the judicial Eastern District of Texas. Atlassian, Inc. is a wholly owned subsidiary of Atlassian Corporation PLC. Among other things, Defendants engage in marketing activities that promote the use of the HipChat app and its associated system. Atlassian, Inc. may be served with process through its registered agent CSC - Lawyers Incorporating Service Co, 211 E. 7th St, Ste 620, Austin, TX 78701. *Atlassian, Inc.* may also be served with process through its registered agent: The Corporation Trust Company, located at 1209 Orange Street, City of Wilmington, County of New Castle, Delaware 19801.

JURISDICTION AND VENUE

6. Uniloc brings this action for patent infringement under the patent laws of the United States, 35 U.S.C. § 271 et seq. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1338(a) and 1367.

7. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(c) and 1400(b). Upon information and belief, Defendants have committed acts of infringement in this judicial district, and/or have purposely transacted business involving the accused products in this judicial district, including sales to one or more customers in Texas.

8. Defendants are subject to this Court's jurisdiction pursuant to due process and/or the Texas Long Arm Statute due at least to its substantial business in this State and judicial district, including: (A) at least part of its past infringing activities, (B) regularly doing or soliciting business

in Texas, and/or (C) engaging in persistent conduct and/or deriving substantial revenue from goods and services provided to customers in Texas.

COUNT I

(INFRINGEMENT OF U.S. PATENT NO. 8,571,194)

9. Uniloc incorporates by reference the above paragraphs.

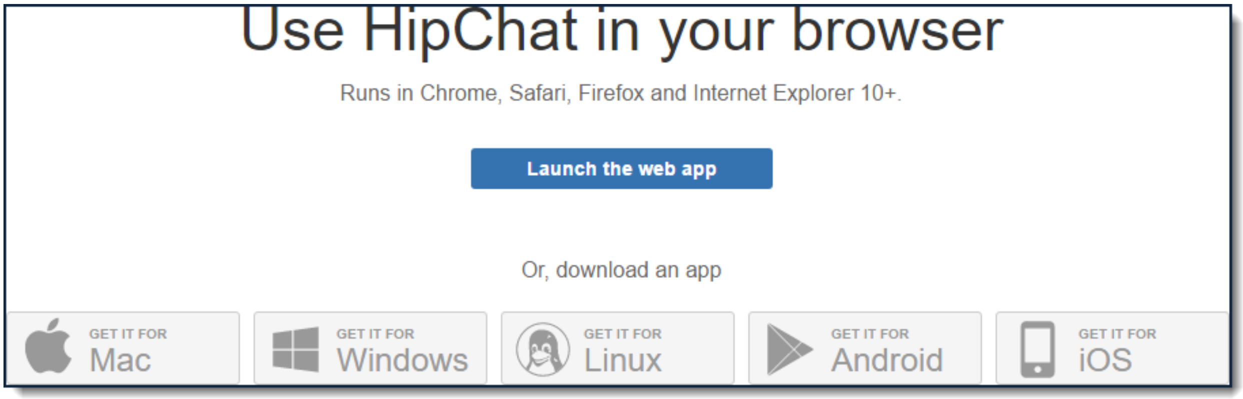
10. Uniloc Luxembourg is the owner, by assignment, of U.S. Patent No. 8,571,194 ("the '194 Patent"), entitled SYSTEM AND METHOD FOR INITIATING A CONFERENCE CALL issued to inventor Tod Turner on October 29, 2013. A true and correct copy of the '194 Patent is attached as Exhibit A hereto.

11. The '194 Patent spent over three years being examined at the United States Patent and Trademark Office. During examination of the '194 Patent, trained United States Patent Examiners considered at least twenty-six (26) references before determining that the inventions claimed in the '194 Patent deserved patent protection. Such references include, for example, various references from Microsoft Corporation, International Business Machines Corporation, Nortel Networks Limited and Bell Canada.

12. Since then, the '194 Patent has been cited in a patent application filed by Samsung Electronics Co., Ltd.

13. Uniloc USA is the exclusive licensee of the '194 Patent with ownership of all substantial rights therein, including the right to grant sublicenses, to exclude others, and to enforce, sue and recover past damages for the infringement thereof.

14. Defendants have marketed and currently market a voice and messaging system under the name "HipChat." The HipChat system can be accessed through a browser using a web app or through an app downloaded to Mac, Windows, Linux, Android, or iOS devices.


Use HipChat in your browser
Runs in Chrome, Safari, Firefox and Internet Explorer 10+.
Launch the web app
Or, download an app
GET IT FOR Mac
GET IT FOR Windows
GET IT FOR Linux
GET IT FOR Android
GET IT FOR iOS

Source: product testing

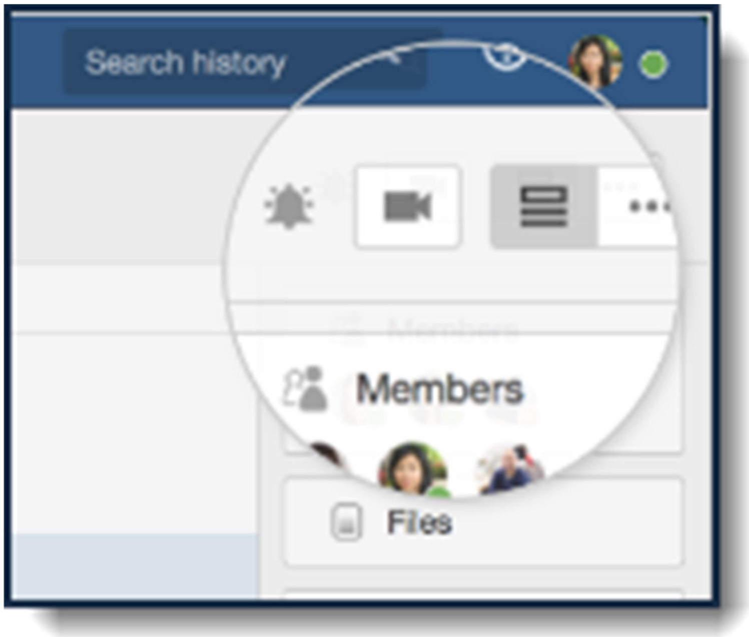
15. The HipChat system is provided from a variety of servers communicating with clients through the browser-based web app or a downloaded application.

16. Upon information and belief, the following describes, at least in part, certain aspects of a representative sample of how Defendants' HipChat system works.

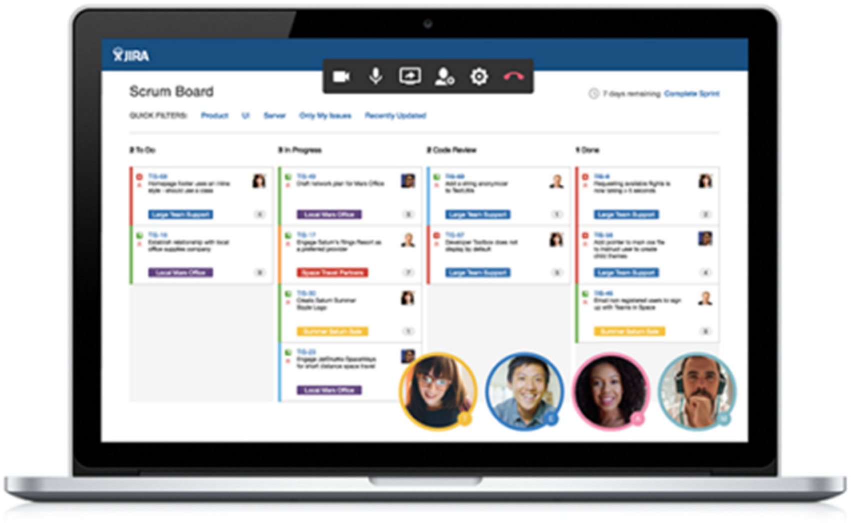
17. HipChat allows individuals in an instant message system to initiate a conference call. The below documentation from Defendants' website walks one through how to start such a conference call from an instant message system. The following shows from an instant messaging system with a single click, one can establish a conference call with additional ability for screen sharing.

Bryan S...
Angela R...
Liza V...
me

Source: https://www.atlassian.com/blog/hipchat/group-video-chat-screen-sharing-in-hipchat

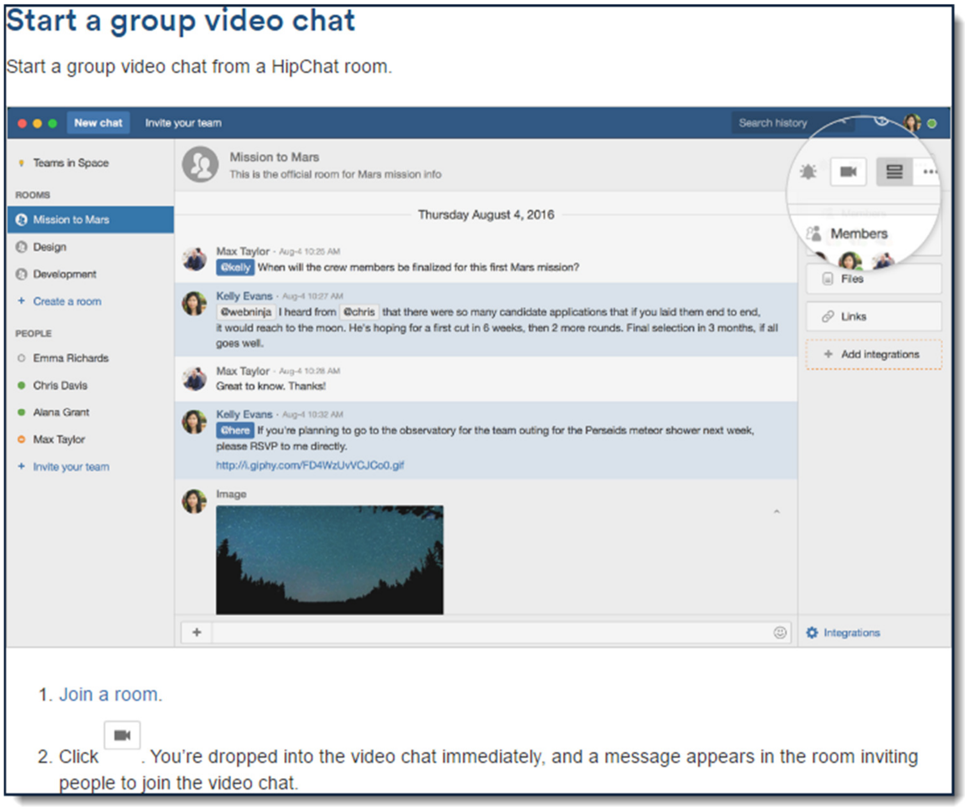

Search history
Members
Files

Source: https://confluence.atlassian.com/get-started-with-hipchat/video-chat-screen-share-with-a-group-854033517.html

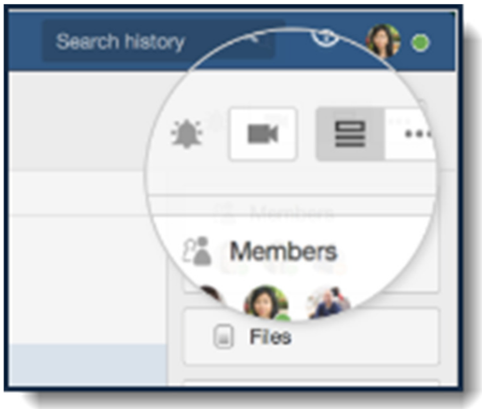

JIRA
Scrum Board

Source: https://www.atlassian.com/blog/hipchat/group-video-chat-screen-sharing-in-hipchat

18. The following illustrations from Defendants show how a conference call is started by a user clicking on an icon in the upper right of the chat session.

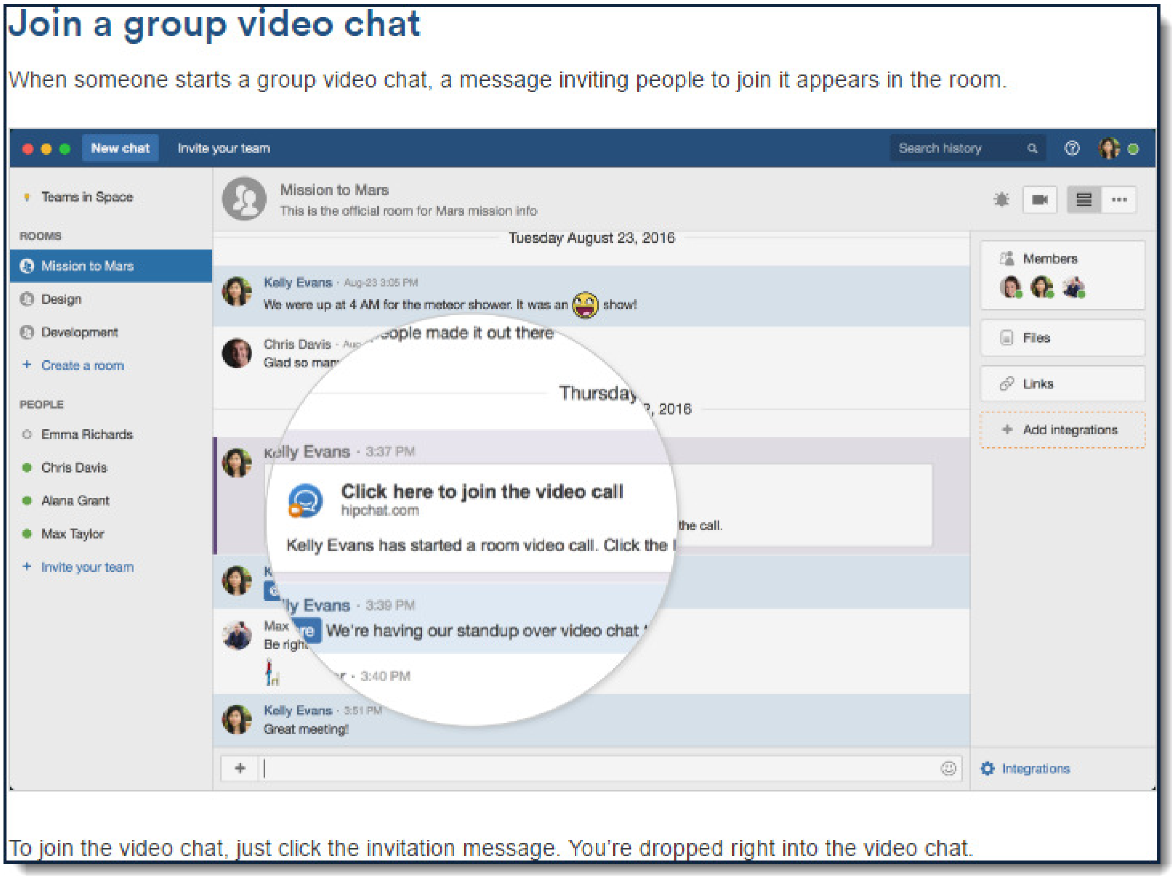

Start a group video chat
Start a group video chat from a HipChat room.
New chat
Invite your team
Search history
Teams in Space
ROOMS
Mission to Mars
Design
Development
Create a room
PEOPLE
Emma Richards
Chris Davis
Alana Grant
Max Taylor
Invite your team
Mission to Mars
This is the official room for Mars mission info
Thursday August 4, 2016
Max Taylor
@kelly When will the crew members be finalized for this first Mars mission?
Kelly Evans
@webninja I heard from @chris that there were so many candidate applications that if you laid them end to end, it would reach to the moon. He's hoping for a first cut in 6 weeks, then 2 more rounds. Final selection in 3 months, if all goes well.
Max Taylor
Great to know. Thanks!
Kelly Evans
@here If you're planning to go to the observatory for the team outing for the Perseids meteor shower next week, please RSVP to me directly.
Image
Members
Files
Links
Add integrations
Integrations
1. Join a room.
2. Click . You're dropped into the video chat immediately, and a message appears in the room inviting people to join the video chat.

Source: https://confluence.atlassian.com/get-started-with-hipchat/video-chat-screen-share-with-a-group-854033517.html


Search history
Members
Files

Source: https://confluence.atlassian.com/get-started-with-hipchat/video-chat-screen-share-with-a-group-854033517.html

19. The following illustrations from Defendants show how users can accept a request to join:

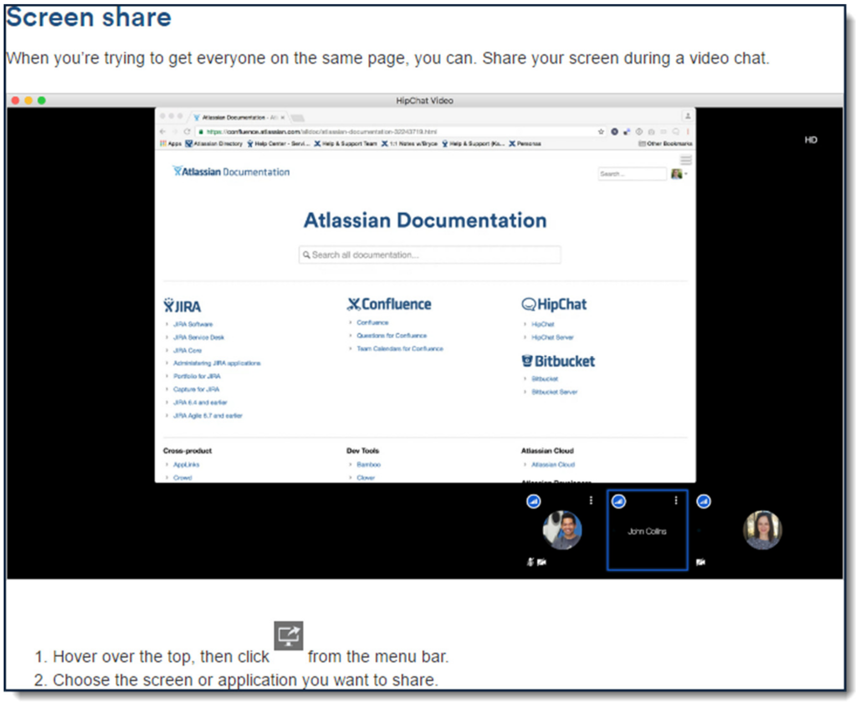

Join a group video chat
When someone starts a group video chat, a message inviting people to join it appears in the room.
New chat
Invite your team
Search history
Teams in Space
ROOMS
Mission to Mars
Design
Development
Create a room
PEOPLE
Emma Richards
Chris Davis
Alana Grant
Max Taylor
Invite your team
Mission to Mars
This is the official room for Mars mission info
Tuesday August 23, 2016
Kelly Evans
We were up at 4 AM for the meteor shower. It was an show!
Members
Files
Links
Add integrations
Kelly Evans · 3:37 PM
Click here to join the video call
hipchat.com
Kelly Evans has started a room video call. Click the
We're having our standup over video chat
Kelly Evans
Great meeting!
Integrations
To join the video chat, just click the invitation message. You're dropped right into the video chat.

Source: https://confluence.atlassian.com/get-started-with-hipchat/video-chat-screen-share-with-a-group-854033517.html

20. The following illustrations from Defendants show the initiation of a conference.

Source: https://www.atlassian.com/blog/hipchat/group-video-chat-screen-sharing-in-hipchat

21. The following illustrations from Defendants show how screen sharing can be enabled during the conference session.


Screen share
When you're trying to get everyone on the same page, you can. Share your screen during a video chat.
HipChat Video
Atlassian Documentation
Atlassian Documentation
JIRA
Confluence
HipChat
Bitbucket
HD
1. Hover over the top, then click from the menu bar.
2. Choose the screen or application you want to share.

Source: https://confluence.atlassian.com/get-started-with-hipchat/video-chat-screen-share-with-a-group-854033517.html

22. The following illustrations from Defendants discuss the simplicity of establishing such a conference call – with or without video:

Video chat as a group

Start and join group video chats from HipChat rooms. Up to 20 of your teammates can join the video chat.

Starting group video chats from rooms

To start a video chat in a HipChat room:

1. Join the room if you're not already in it.
2. In the upper right corner, click . You're dropped right into a video chat.

   Note: If you only want to make an audio call, click to turn off your camera.
3. Wait for teammates to join. (They'll click an invitation that was sent to the room.)
4. To share your screen, click .
5. When you're finished with the video chat, click to leave.

Source: https://confluence.atlassian.com/hipchat/video-chat-with-your-team-838548935.html

Joining group video chats from rooms

When a video chat is started in a HipChat room, you'll see an invitation appear in the chat view.

Screenshot: Invitation message

Click here to join the video call
hipchat.com

Sabrina Wingfield has started a room video call. Click the link above to join the call.

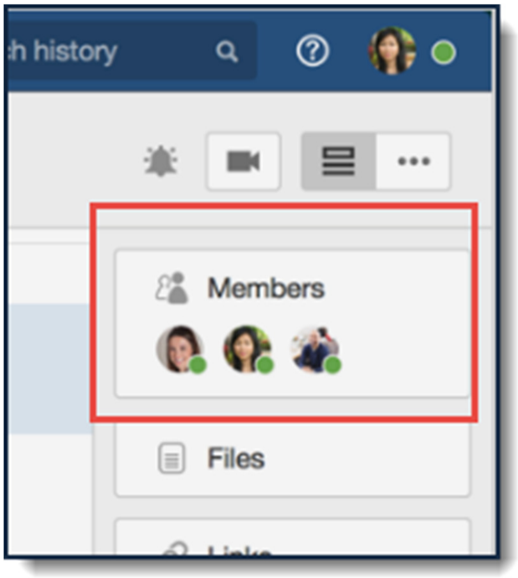
To join a video chat from a room:

1. Join the room if you're not already in it.
2. Click the invitation message. You're dropped right into the video chat.

   Note: If you only want to make an audio call, click to turn off your camera.
3. To share your screen, click .
4. When you're finished with the video chat, click to leave.

Source: https://confluence.atlassian.com/hipchat/video-chat-with-your-team-838548935.html

23. The following illustration from Defendants show presence features which are right next to the icon for initiating the conference call:



Source: https://confluence.atlassian.com/get-started-with-hipchat/video-chat-screen-share-with-a-group-854033517.html

24. Defendants have directly infringed, and continue to directly infringe Claim 16 of the '194 Patent in this judicial district and elsewhere in Texas, literally and/or under the doctrine of equivalents, by or through making, using, importing, offering for sale and/or selling their voice and messaging system during the pendency of the '194 Patent which inter alia comprises instructions for displaying an instant message chat window, exchanging instant messages between two or more parties, displaying an indication of whether parties are connected to said instant message session, and automatically initiating an audio/video call between the participants.

25. In addition, should Defendants' voice and messaging system be found to not literally infringe Claim 16 of the '194 Patent, Defendants' accused products would nevertheless infringe Claim 16 of the '194 Patent, under the doctrine of equivalents. More specifically, the accused voice and messaging system performs substantially the same function (contains

instructions for implementing an IM to voice/video call capability) in substantially the same way (comprising computer readable instructions contained in or loaded into non-transitory memory) to yield substantially the same result (effecting an instant message to voice/video call). Defendants would thus be liable for direct infringement under the doctrine of equivalents.

26. Defendants have indirectly infringed and continue to indirectly infringe Claim 16 of the '194 Patent in this judicial district and elsewhere in the Texas by, among other things, actively inducing the using, offering for sale, selling, and/or importation of Defendants' messaging system. Defendants' customers who use such software in accordance with Defendants' instructions directly infringe Claim 16 of the '194 Patent in violation of 35 U.S.C. § 271.

27. Defendants instruct their customers in the use of their voice and messaging system through Internet demonstrations, training videos, brochures and administration, maintenance, installation and/or user guides, such as those located at the following:

a. https://www.atlassian.com/blog/hipchat/group-video-chat-screen-sharing-in-hipchat

b. https://confluence.atlassian.com/hipchat/video-chat-with-your-team-838548935.html

c. https://confluence.atlassian.com/get-started-with-hipchat/video-chat-screen-share-with-a-group-854033517.html

Defendants are thereby liable for infringement of the '194 Patent pursuant to 35 U.S.C. § 271(b).

28. Defendants have indirectly infringed and continue to indirectly infringe Claim 16 of the '194 Patent, by among other things, contributing to the direct infringement by others, including without limitation users of their voice and messaging system, by making, using, offering to sell, or selling, in Texas, and/or importing a component of a patented machine, manufacture, or combination, or an apparatus for use in the practicing a patent process, constituting a material part of the invention, knowing the same to be especially made or especially adapted for use in

infringement of the ‘194 Patent, and not a staple article or commodity of commerce suitable for substantial non-infringing use.

29. For example, the Defendants’ messaging software module that allows users to initiate a call from an instant message window is a component of a patented machine, manufacture, or combination, or an apparatus for use in practicing a patented process. Furthermore, such software module is a material part of the invention and upon information and belief is not a staple article or commodity of commerce suitable for substantial non-infringing use. Thus, Defendants are liable for infringement pursuant to 35 U.S.C. § 271(c).

30. Defendants will have been on notice of the ‘194 Patent since, at the latest, the service of this complaint. By the time of trial, Defendants will thus have known and intended (since receiving such notice), that their continued actions would actively induce and contribute to actual infringement of Claim 16 of the ‘194 Patent.

31. Defendants may have infringed the ‘194 Patent through other software, currently unknown to Uniloc, utilizing the same or reasonably similar functionality, including other versions of their voice and messaging system. Uniloc reserves the right to discover and pursue all such additional infringing software.

COUNT II

(INFRINGEMENT OF U.S. PATENT NO. 7,804,948)

32. Uniloc incorporates the preceding paragraphs herein by reference.

33. Uniloc Luxembourg is the owner, by assignment, of U.S. Patent No. 7,804,948 (“the ‘948 Patent”), entitled SYSTEM AND METHOD FOR INITIATING A CONFERENCE CALL, issued to inventor Tod Turner on September 28, 2010. A true and correct copy of the ‘948 Patent is attached as Exhibit B hereto.

34. The ‘948 Patent spent almost six years being examined at the United States Patent and Trademark Office. During examination of the ‘948 Patent, trained United States Patent Examiners considered at least twelve (12) references before determining that the inventions claimed in the ‘948 Patent deserved patent protection. Such references include, for example, various references from International Business Machines Corporation and Nortel Networks.

35. Since then, the ‘948 Patent has been referenced by eighteen (18) other patents and patent applications, including those filed by AT&T and IBM.

36. Uniloc USA is the exclusive licensee of the ‘948 Patent with ownership of all substantial rights therein, including the right to grant sublicenses, to exclude others, and to enforce, sue and recover past damages for the infringement thereof.

37. Defendants have directly infringed, and continues to directly infringe Claims 3, 4, 34, and 35 of the ‘948 Patent in this judicial district and elsewhere in Texas, literally and/or under the doctrine of equivalents, by or through making, using, importing, offering for sale and/or selling voice and messaging system during the pendency of the ‘948 Patent, which *inter alia* comprises instructions for establishing a communications connection between the network access device and a conference call server; displaying potential targets then being connected to an instant messaging service; generating a conference call request responsively to a single request; and automatically establishing a conference call connection.

38. In addition, should Defendants’ voice and messaging system be found to not literally infringe Claims 3, 4, 34, and 35 of the ‘948 Patent, Defendants’ accused products would nevertheless infringe Claims 3, 4, 34, and 35of the ‘948 Patent. More specifically, the accused voice and messaging system performs substantially the same function (implementing an IM to voice/video call capability) in substantially the same way (through instructions) to yield

substantially the same result (effecting an instant message to voice/video call). Defendants would thus be liable for direct infringement under the doctrine of equivalents.

39. Defendants have indirectly infringed and continue to indirectly infringe Claims 3, 4, 34, and 35of the ‘948 Patent, in this judicial district and elsewhere in Texas by, among other things, actively inducing the using, offering for sale, selling, and/or importation of Defendants' messaging software. Defendants' customers who use such devices and software in accordance with Defendants' instructions directly infringe Claims 3, 4, 34, and 35 of the ‘948 Patent in violation of 35 U.S.C. § 271.

40. Defendants instruct their customers in the use of their voice and messaging system through Internet demonstrations, training videos, brochures and administration, maintenance, installation and/or user guides, such as those located at the following:

a. https://www.atlassian.com/blog/hipchat/group-video-chat-screen-sharing-in-hipchat

b. https://confluence.atlassian.com/hipchat/video-chat-with-your-team-838548935.html

c. https://confluence.atlassian.com/get-started-with-hipchat/video-chat-screen-share-with-a-group-854033517.html

Defendants are thereby liable for infringement of the ‘194 Patent pursuant to 35 U.S.C. § 271(b).

41. Defendants have indirectly infringed and continues to indirectly infringe Claims 3, 4, 34, and 35 of the ‘948 Patent by among other things, contributing to the direct infringement by others, including without limitation users of its messaging software, by making, using, offering to sell, or selling, in the United States, and/or importing a component of a patented machine, manufacture, or combination, or an apparatus for use in the practicing a patent process, constituting a material part of the invention, knowing the same to be especially made or especially adapted for use in infringement of the ‘948 Patent, and not a staple article or commodity of commerce suitable for substantial non-infringing use.

42. For example, the Defendants' messaging software module that allows users to initiate a call from an instant message window is a component of a patented machine, manufacture, or combination, or an apparatus for use in practicing a patented process. Furthermore, such software module is a material part of the invention and upon information and belief is not a staple article or commodity of commerce suitable for substantial non-infringing use. Thus, Defendants are liable for infringement pursuant to 35 U.S.C. § 271(c).

43. Defendants will have been on notice of the '948 Patent since, at the latest, the service of this complaint. By the time of trial, Defendants will thus have known and intended (since receiving such notice), that their continued actions would actively induce and contribute to actual infringement of Claims 3, 4, 34, and 35 of the '948 Patent.

44. Defendants may have infringed the '948 Patent through other software, currently unknown to Uniloc, utilizing the same or reasonably similar functionality, including other versions of their voice and messaging system. Uniloc reserves the right to discover and pursue all such additional infringing software.

COUNT III

(INFRINGEMENT OF U.S. PATENT NO. 7,853,000)

45. Uniloc incorporates by reference the above paragraphs.

46. Uniloc Luxembourg is the owner, by assignment, of 7,853,000 ("the '000 Patent"), entitled SYSTEM AND METHOD FOR INITIATING A CONFERENCE CALL, issued to inventor Tod Turner on December 14, 2010. A true and correct copy of the '000 Patent is attached as Exhibit C hereto.

47. The '000 Patent was examined at the United States Patent and Trademark Office for nearly a year. During examination of the '000 Patent, trained United States Patent Examiners considered at least five (5) references before determining that the inventions claimed in the '000

Patent deserved patent protection. Such references include, for example, various references from Comverse Ltd., and Lightbridge, Inc.

48. Since then, the ‘000 Patent has been cited by 5 patents and patent applications.

49. Uniloc USA is the exclusive licensee of the ‘000 Patent with ownership of all substantial rights therein, including the right to grant sublicenses, to exclude others, and to enforce, sue and recover past damages for the infringement thereof.

50. Defendants have directly infringed, and continue to directly infringe Claim 3 and 4 of the ‘000 Patent, in this judicial district and elsewhere in Texas, literally and/or under the doctrine of equivalents, by or through making, using, importing, offering for sale and/or selling devices with their voice and messaging system during the pendency of the ‘000 Patent, which *inter alia* comprises instructions for indicating a plurality of potential targets then being connected to an instant messaging system; participating in a given instant messaging session with a conference call requester; and generating a conference call request responsively to a single request by the conference call requester where a conference call is automatically established.

51. In addition, should Defendants’ voice and messaging system be found to not literally infringe Claim 3 and 4 of the ‘000 Patent, Defendants’ accused products would nevertheless infringe Claim 3 and 4 of the ‘000 Patent, under the doctrine of equivalents. More specifically, the accused voice and messaging system performs substantially the same function (implementing an IM to voice/video call capability) in substantially the same way (through instructions) to yield substantially the same result (effecting an instant message to voice/video call). Defendants would thus be liable for direct infringement under the doctrine of equivalents.

52. Defendants have indirectly infringed and continue to indirectly infringe Claim 3 and 4 of the ‘000 Patent in this judicial district and elsewhere in Texas by, among other things,

actively inducing the using, offering for sale, selling, and/or importation of Defendants' messaging software. Defendants' customers who use such devices and software in accordance with Defendants' instructions directly infringe Claim 3 and 4 of the '000 Patent in violation of 35 U.S.C. § 271.

53. Defendants instructs their customers in the use of their messaging software through Internet demonstrations, training videos, brochures and administration, maintenance, installation, and/or user guides, such as those located at the following:

a. https://www.atlassian.com/blog/hipchat/group-video-chat-screen-sharing-in-hipchat
b. https://confluence.atlassian.com/hipchat/video-chat-with-your-team-838548935.html
c. https://confluence.atlassian.com/get-started-with-hipchat/video-chat-screen-share-with-a-group-854033517.html

Defendants are thereby liable for infringement of the '000 Patent pursuant to 35 U.S.C. § 271(b).

54. Defendants have indirectly infringed and continue to indirectly infringe Claim 3 and 4 of the '000 Patent by among other things, contributing to the direct infringement by others, including without limitation users of their voice and messaging system, by making, using, offering to sell, or selling, in Texas, and/or importing a component of a patented machine, manufacture, or combination, or an apparatus for use in the practicing a patent process, constituting a material part of the invention, knowing the same to be especially made or especially adapted for use in infringement of the '000 Patent, and not a staple article or commodity of commerce suitable for substantial non-infringing use.

55. For example, the Defendants' messaging software module that allows users to initiate a call from an instant message window is a component of a patented machine, manufacture, or combination, or an apparatus for use in practicing a patented process. Furthermore, such software module is a material part of the invention and upon information and belief is not a staple article or

commodity of commerce suitable for substantial non-infringing use. Thus, Defendants are liable for infringement pursuant to 35 U.S.C. § 271(c).

56. Defendants will have been on notice of the '000 Patent since, at the latest, the service of this complaint upon them. By the time of trial, Defendants will have known and intended (since receiving such notice) that its continued actions would actively induce, and contribute to, the infringement of Claim 3 and 4 of the '000 Patent.

57. Defendants may have infringed the '000 Patent through other software utilizing the same or reasonably similar functionality, including other versions of the voice and messaging system. Uniloc reserves the right to discover and pursue all such additional infringing software/devices.

PRAYER FOR RELIEF

Uniloc requests that the Court enter judgment against Defendants as follows:

(A) that Defendants have infringed the '194 Patent, the '948 Patent and the '000 Patent;

(B) awarding Uniloc its damages suffered as a result of Defendants' infringement of the '194 Patent, the '948 Patent and the '000 Patent pursuant to 35 U.S.C. § 284;

(C) enjoining each Defendants, its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries and parents, and all others acting in concert or privity with it from infringing the '194 Patent, the '948 Patent and the '000 Patent pursuant to 35 U.S.C. § 283;

(D) awarding Uniloc its costs, attorneys' fees, expenses, and interest; and

(E) granting Uniloc such other and further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Uniloc hereby demands trial by jury on all issues so triable pursuant to Fed. R. Civ. P. 38.

Dated: April 25, 2017

Respectfully submitted,

/s/ James L. Etheridge

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